

**United States District Court District of Massachusetts**

Civil Docket No. 22cv11834

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Kelechi Linardon

**Plaintiff,**

v.

Boston Housing Authority  
52 Chauncy Street  
Boston, MA 02111

Michelle WU-Administration  
Mayor of Boston, in her official Capacity  
1 City Hall Square, Suite 500. Boston, MA 02201

Charlie Baker-Administration  
Governor of Massachusetts  
Massachusetts State House, Beacon St #280  
Boston, MA 02133

**Defendants**

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**RENEWAL MOTION TO RECUSE**

Now comes the above named, Plaintiff and moves to renew the Motion to recuse Judge Groton from the above entitled matter under 28 USCS Sec. 455. The foregoing Grounds but not limited to:

**The Judge failed to address all of the plaintiff listed reasons for this recusal. The judge intentional sabotaged this case, obstructed justice and caused a serious delay in justice on this case. Judge Groton should recuse himself from this case because this is a conflict of interest.**

**MEMORANDUM OF POINTS AND AUTHORITIES**

**1) 28 USC § 455 states:**

a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

b) He shall also disqualify himself in the following circumstances:

- (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
- (2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;
- (3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;
- (4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;
- (5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
  - (i) Is a party to the proceeding, or an officer, director, or trustee of a party;
  - (ii) Is acting as a lawyer in the proceeding;
  - (iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;
  - (iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

**2) The U.S. Supreme Court made the following ruling:**

“The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law.

" From *Marshall v. Jerrico, Inc.* (446 US 238, 242, 100 S. Ct. 1610, 64 L. Ed. 2d 182 (1980))

**3) The U.S. Supreme Court also has ruled the following:**

“State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law.

” From *Stone v. Powell* (428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976))  
According to Congress, U.S. Supreme Court case law and canons of judicial ethics, a judge must disqualify himself or herself of hearing any case in which his or her impartiality might reasonably be questioned.

- 4) The principle of impartial justice is expressly enshrined in Constitution. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be

tried by judges as free, impartial and independent as the lot of humanity will admit. “A rigid adherence to that principle is essential to the maintenance of free institutions.

- a) This Federal District Court claimed that Justice Groton was randomly selected on this case but it is questionable considering that there is no public transparency on how he was “randomly” selected when this matter is a Civil Rights matter and it involves defendants who are very powerful influential elected state government officials, the head of this state of Massachusetts-Administration, the head of the Capital of Massachusetts Boston City-Administration where some of the defendants in this case who are powerful elected government officials has connections in this court, has in the past work for one of the federal Judges in this court, a fellow co-Judge of Judge Groton.
- b) Whenever a party to any proceeding in a district court makes and files that the judge before whom the matter is pending has a personal bias or prejudice either against him/her or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. Judge Groton gave special treatment for the powerful government officials defendants in this case, have retaliated against me, and have acted as a party with the defendants in this case.
- c) In this same Federal District Court there are other similar cases, I can name at least two pending current cases by different plaintiffs against the same similar Housing Authority Agencies and the same State Government Officials as the defendants just like mine with other Judges where the defendants in this case are the same defendants in those other plaintiff cases or similar state agencies but those plaintiffs cases are been treated impartially, without bias, prejudices and are managed fairly with due process without those judges prematurely dismissing the government officials who are the defendants. There are similar cases as my civil action suit in this court and they were was not dismissed or allowed to be dismissed by the request of the same or similar defendants initially or prematurely and the only different between this case and the other cases similar in this court is that, in those case, the plaintiffs have bunch of lawyers and I am just an individual Pro Se litigant who’s don’t matter to this court Judge. Judge Groton obviously does not have respect for me as Pro Se litigants and more. Plaintiff alleges that, in dismissing the two key defendants’ in the plaintiff’s civil case, the district judge committed fraud on the court, by making faulty conclusions, failing to apply applicable case law, ignoring facts set forth in the complaint, and erroneously determining that defendants were immune from an action. Plaintiff asserts that the dismissal was improper because I provided the district court with factual information, solid arguments, and evidence that met the applicable burden of proof showing why each defendant is listed on the case and why also the Emergency Preliminary Injunction relief should be heard and granted.
- d) Judge Groton unfairly deprived me of Due Process Rights and Equal Protection Rights among other errors. Judge denied me access to court or dismissed my proceedings without any hearing or any litigation. Judge Groton not only deprived me of my due process rights but decided to unfairly prematurely dismissed the two key defendants, Mayor Michelle WU-Administration and Governor Charlie Baker-Administration both are influential powerful government officials without even given me the opportunity to respond, did not even receive their motion to dismiss or

afford me a due process hearing to at least determine whether the law at issue is likely to be found constitutional. The Code of Conduct for U.S. Judges provides, The judge should adhere to the following standards: (4) Ensuring the right to be heard; A Judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law. A judge may make reasonable efforts, consistent with the law, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard. [1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed. [1A] The judge has an affirmative role in facilitating the ability of every person who has a legal interest in a proceeding to be fairly heard. The Judge should perform those duties with respect for others, and should not engage in behavior that is harassing, abusive, prejudiced, or biased. This also shows clearly that Judge Groton has conflict of interest, special treatment to government officials. Canon 2B. A judge should not use the judge's judicial position or title to gain advantage in litigation involving a friend or a member of the judge's family) and that he is more interested in protecting powerful influential governmental officials than to be an impartial and un-bias federal Judge who is supposed to protect the constitutional rights of all persons regardless of their statues. Judge Groton violated my right under Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently. The prematurely dismissal of key two defendants on my civil complaint case shows that Judge Groton was bias and prejudice. Plaintiff is entitled to right to due process on this cause action claim with jury demand rights. Plaintiff has valid and enforceable causes of action against the all the names defendants due to the Unlawful Actions Taken by them.

- e) A Judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question. The plaintiff questions the impartiality of Judge Groton because said Judge unfairly abuse the use of federal Rule just because I am a Pro Se and without properly reviewing the underlying case and did not afford the plaintiff the same equal rights. The principle of impartial justice is expressly enshrined in the Constitution Declaration of Rights: It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. The above mentioned Judge Groton deliberately violated the plaintiff personal liberties and/or has wantonly refused to provide due process and equal protection to all litigants before the court or has behaved in a manner inconsistent with that which is needed for full, fair, impartial hearings. Judge Groton is biased against the plaintiff, and unlawfully dismissed two Governmental elected officials and their administrations, having failed to allow the Injunction Relief hearing to be heard, or a dismissal hearing to heard or even afford me opportunity to respond to the dismissals of the defendant's and discovery to be obtained due to political bias and in defiance of the judge's oath. The judges were politically biased and abused the judicial office against plaintiff, erroneously denied plaintiff right to a hearing and aided and abetted unlawful civil right violations and erroneously failed to allow for an emergency hearing, and made multiple unlawful rulings. Additionally, the judge erroneously wrote false language in the order of dismissal without holding a hearing on a request to dismiss the defendants. Plaintiff alleges that judge Groton was not impartial and did not act in good faith in this case.

- f) Judge Groton already shown a pattern of “Bias or prejudice on his decisions so far on this matter and his privileges to the defendants who are governmental Officials is very concerning which creates an appearance of impropriety Any circumstance in which a judge’s impartiality might reasonably be questioned, whether or not touched on in section 455(b), requires recusal under section 455(a). Judge has expressed, directly or indirectly, an opinion about the merits of the case. Judge Groton furthermore, made a statement that made me as the plaintiff to believe that he is determine to unfairly dismiss the remaining defendant “BHA” who is also a government official (breaches of Judicial trust) in this case, which he blatantly made a very serious concerning statement in his order on February day of 8th, 2023, where he asked the defendant BHA to also file a motion to dismiss the entire case so that he can do so as well. The Code of Conduct for U.S. Judges provides: “A judge should not make public comment on the merits of a matter pending or impending in any court. Code of Conduct for U.S. Judges, Canon 3A(6). The duty under Canon 2 to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary applies to all the judge’s activities, including the discharge of the judge’s adjudicative and administrative responsibilities. The duty to be respectful includes the responsibility to avoid comment or behavior that could reasonably be interpreted as harassment, prejudice or bias. Judge Groton violated my right under Canon 2: Bias, prejudice, and harassment; (A) A judges shall perform the duties of judicial office, including administrative duties, without bias, prejudice, or harassment. (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice or engage in harassment, including bias, prejudice, or harassment based upon a person's status or condition. Judge Groton has history of prematurely systematic dismissal of Pro Se litigants cases without granting them their fair due process, same equal protection and right to trial proceedings which perception of judicial bias or partiality. IV. Disqualification Based on Question of Partiality: Section 455(a) A. Standard for Applying When Congress amended section 455(a), it made clear that judges should apply an objective standard in determining whether to recuse. A judge contemplating recusal should not ask whether he or she believes he or she is capable of impartially presiding over the case. The statute requires recusal in any case “in which [the judge’s] impartiality might reasonably be questioned.”
- g) Judge Groton even misspelled my name on his recent order and didn’t care to respect me as a litigant to spell my name correctly and I am sure he wouldn’t carelessly misspell it if was a “Smith, O’Connor or Flannigan” names.
- h) Judge Groton in his February 2023 order, deliberately called my Federal Mobile Housing Voucher Benefit a “Massachusetts State Voucher” which shows that he really doesn’t care the important of this case and for a Federal court judge presiding on a case as such, he is expected to at the least know the different between a state housing voucher and a federal housing voucher considering that the federal Housing voucher benefit in question is one of important primary reasons for filling this civil actions among other important reasons and it plays a major role in this civil action. If judge Groton doesn’t care enough to know the different in the two types of Housing Voucher (one been a state program owed one which I don’t have and one been a federal Government housing program benefit one which is the one I have) then how can he be a capable or qualify judge to preside on a civil rights violations case such as this one.

- i) Judge Groton made an insensitive statement that wasn't exactly what the appeals court stated on the pending interlocutory appeal as if he was enjoying mocking the plaintiff.

**5) This motion for recusal is also made pursuant to Canons 2, and 3 of the Code of Judicial Conduct.**

- 6) The United States Constitution also guarantees an unbiased Judge who will always provide litigants with full protection of all of their natural, God-given, unalienable rights. Therefore, Plaintiff respectfully demands that the above mentioned Judge recuse himself in light of this detailing conduct which gives Plaintiff a solid pretext to believe the above-mentioned Judge cannot hear the above case in a fair and impartial manner.
- 7) The Plaintiff, a living and self-aware person, is hereby moving the above-named Judge to recuse himself on the basis of a lack of impartiality to this matter and, thereby, has created a conflict of interest in this matter. The above-mentioned Judge has deliberately violated other litigants' personal liberties in the past and/or has wantonly refused to provide due process and equal protection to all litigants before the court or has behaved in a manner inconsistent with that which is needed for full, fair, and impartial hearings.

In conclusion, all Parties in this case are entitled to a fair and impartial trial, and that goal can only be accomplished through an impartial judge presiding over the trial. Consequently, for all the foregoing reasons, it would be improper for Judge Groton to preside over the trial of this matter.

**WHEREFORE**, for the foregoing reasons by not limited to, Plaintiff requests respectfully that the instant Motion be granted and Judge Groton be recused from presiding over the trial of this matter.

Respectfully Submitted

Plaintiff, *PRO SE*

*KelechiLinardon*  
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KELECHI LINARDON  
Dated: April 26, 2025